

MICHIGAN STATE UNIVERSITY

DATE: June 11, 2019

TO: Kyle Austin, MLive.com – kyleaustin2@mlive.com

FROM: Rebecca Nelson, Director and Freedom of Information Act (FOIA) Officer
Michigan State University FOIA Office

Rebecca Nelson

SUBJECT: FOIA Response

This is written in response to the FOIA request that you emailed to this Office on May 17, 2019.

Records responsive to your request accompany this letter. The name of a high school, and other data that could identify a high school basketball team, and therefore, its members, have been redacted under Section 13(1)(a) of the Michigan Freedom of Information Act (MIFOIA). That Section provides for the withholding of "Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy." The names of and identifying information pertaining to prospective student athletes have also been redacted under Section 13(1)(a). University email addresses have been redacted under Sections 13(1)(u), (y), and (z), which allow for the withholding of information related to a public body's security. No fee will be assessed for this processing of your request.



FREEDOM OF INFORMATION ACT OFFICE

Michigan State University

408 West Circle Drive
Room 1 Olds Hall
East Lansing, MI 48824
517-353-3929
Fax: 517-353-1794
foia@msu.edu
<http://foia.msu.edu>

The MIFOIA provides that when a public body denies all or a portion of a request, the requester may do one of the following: (1) submit an appeal of the determination to the head of the public body; or (2) commence a civil action in the court of claims to compel the public body's disclosure of the records. If you wish to seek judicial review of any denial, you must do so within 180 days of the date of this letter. If the court of claims orders disclosure of all or a portion of the public record(s) to which you have been denied access, you may receive attorneys' fees and, in certain circumstances, damages under the MIFOIA. Should you choose to file an appeal with the University regarding this response to your request, you must submit a written communication to this Office expressly stating that it is an "appeal" of this response. In your appeal, please state what records you believe should have been disclosed to you. You must also state the reasons you believe any denial of your MIFOIA request should be reversed. This Office will arrange for the processing and review of your appeal. Pursuant to Section 4(4) of the MIFOIA, the University's procedures and guidelines for processing MIFOIA requests can be found at <http://foia.msu.edu>.

Attachments
MSUF038519



Requests/Self-Reports Online
Case Management System

Institution: Michigan State University
Case Type: Secondary/Level III Violations

Division: I

Case ID: 1055792
Date: 05/30/2019

Page 1 - General Information

General Information

Institution Information

Institution Information Michigan State University

Division of Institution I

Conference Big Ten Conference

Phone Number 517/355-1855

Academic year related to this request 2018-19

Is the violation only administrative in nature
and not related to any sport? No

Sport(s) Men's Basketball

Involved Individuals

Does the institution need to seek
reinstatement for any of the involved student-
athletes? No

If no, check which applies: Does not impact eligibility

Involved Student-Athletes/Prospective Student-Athletes

NCAA
ID

Student Information

1.

Other Involved Individuals

Person

Tom Izzo (Head
Coach)

Page 2 - Case Information

Case Information

If you elect to make a Secondary/Level III fine payment online with a credit card, enter amount and then click the "Make Payment" button listed below.
Otherwise, leave the Fine payment amount field blank.

Please check all the Secondary/Level III Violations sub-case types and conditions that apply

Recruiting

Recruiting Sub-Case Types

Other

Case Information

All Requests

Has the institution or its conference office received an interpretation through RSRO specific to the facts of the request?

No

Provide cite(s) of applicable legislation or interpretation

Type	Division	ID	Text
Bylaw	I	13.1.6.2	Practice or Competition Site

Please provide a one-sentence summary of each violation that occurred.

Prospective student-athletes were provided a tour of athletic facilities after they reported on call for competition related activities.

Date that violation first occurred: 03/13/2019

Date violation was discovered: 03/15/2019

How was the violation discovered?

The violation was discovered by the Office of Compliance Services after reading an article about the prospective student-athletes' basketball team.

Describe the facts associated with this request/case.

Michigan State University (MSU) hosted the Michigan High School Athletic Association (MHSAA) boys basketball semifinal and final state tournament March 14-16, 2019. [REDACTED] High School (located in Michigan's [REDACTED]) basketball team arrived on campus [REDACTED] 2019. Head men's basketball coach Tom Izzo took the boys basketball team on a tour of MSU men's basketball team's locker room and practice facility. Coach Izzo also let [REDACTED] team watch MSU's basketball practice on [REDACTED] 2019. Coach Izzo [REDACTED] basketball tournament by exposing the team to a Division I athletics program. Coach Izzo mistakenly assumed it was permissible to meet with and provide [REDACTED] high school's basketball team with a facilities tour and to allow them to watch practice after they had [REDACTED] and became involved in competition-related activities (i.e., traveling to a competition). MSU is not recruiting any individual on [REDACTED] boys basketball team.

What are any relevant mitigating circumstances that should be considered when reviewing the request?

1) Coach Izzo [REDACTED] 2) MSU's men's basketball program is not recruiting any individual from [REDACTED] High School's boys basketball team. 3) The Office of Compliance Services would have filed a waiver for the men's basketball program had we known in advance that Coach Izzo wanted to provide a tour to [REDACTED] basketball team.

Institutional action

The Office of Compliance Services will continue to provide rules education to the men's basketball program.

Conference action

The Big Ten Conference has been notified.

Fine payment amount

Case Documentation

(Maximum individual file size is 10MB.) Upload each document individually.

Recommended Documentation

All Requests

Provide any documentation not previously specified that substantiates any assertions made in this request

Provide a written statement(s) from any other individuals involved in the circumstances of this request

Page 4 - Signatures

Signatures

Select Required Signatories

STOP! IF USING E-SIGN OPTION:

The signatory email address (in the NCAA Directory) MUST match the email address in NCAA Business Applications (e.g., Single-Source Sign On).

The signatory MUST have been granted access to Requests/Self-Reports Online by the on-campus Single-Source Sign On administrator in the NCAA Business Application Administrative tool.

If the signatories do not meet these qualifications, select UPLOAD (or fax, if necessary). Do NOT select e-sign unless the above criteria is met.

Institutional Authority Inside of Athletics Department

Signatory: Approved by Jennifer L. Smith on 04/24/2019

Institutional Authority Outside of Athletics Department (optional for Secondary cases)

Signatory: Approved by Michael Kaplowitz on 04/24/2019

Conference (if applicable)

Signatory ()

Download Unsigned Signature Documents

- Institutional Authority Outside of Athletics Department
- Institutional Authority Inside of Athletics Department
- Conference Personnel

Page 5 - Case Contacts and Submission

Case Contacts and Submission

Contacts

Select Contacts for this Case

Primary Contact: Holly Baumgartner () Phone: 517-432-5622
Secondary Contact: Jennifer L. Smith () Phone: 517-432-5605

Additional Case Contacts

Additional contacts with a valid email address from the conference or member institution will receive selected e-mails related to the case.

Email Delivery First Name Last Name Title E-mail Address

Terms and Conditions

Disclaimer Terms and Conditions

By submitting information related to this request, I affirm that I have read and understand the application of NCAA Bylaw 10.1 and the information provided is accurate and complete to the best of my knowledge.
 Please note that the processing of this violation by the

Agreement by Holly Baumgartner on 04/24/2019

Activity After Case Submission

Responses to Requests for Additional Information



Requests/Self-Reports Online
Case Management System

Institution: Michigan State University
Case Type: Secondary/Level III Violations

Division: I

Case ID: 1055735
Date: 05/30/2019

Page 1 - General Information

General Information

Institution Information

Institution Information Michigan State University

Division of Institution I

Conference Big Ten Conference

Phone Number 517/355-1855

Academic year related to this request 2018-19

Is the violation only administrative in nature
and not related to any sport? No

Sport(s) Men's Basketball

Involved Individuals

Does the institution need to seek
reinstatement for any of the involved student-
athletes? No

If no, check which applies: Does not impact eligibility

Involved Student-Athletes/Prospective Student-Athletes

	NCAA ID	Student Information
1.		
2.		

Other Involved Individuals

Person
Tom Izzo (Head
Coach)

Page 2 - Case Information

Case Information

If you elect to make a Secondary/Level III fine payment online with a credit card, enter amount and then click the "Make Payment" button listed below.

Otherwise, leave the Fine payment amount field blank.

Please check all the Secondary/Level III Violations sub-case types and conditions that apply

Recruiting

Recruiting Sub-Case Types

Off-Campus Contacts

Case Information

RSRO Requested:

Has the institution or its conference office received an interpretation through RSRO specific to the facts of the request? No

Provide cite(s) of applicable legislation or interpretation.

Type	Division	ID	Text
Bylaw	I	13.1.6.2	<u>Practice or Competition Site</u>
Bylaw	I	13.1.6.2.1	<u>Additional Restrictions -- Basketball</u>

Please provide a one-sentence summary of each violation that occurred. The head men's basketball coach had impermissible contact with two prospects on the day of a competition.

Date that violation first occurred: 01/09/2019

Date violation was discovered: 03/25/2019

How was the violation discovered? The violation was discovered when the Office of Compliance Services received a letter from an NCAA enforcement staff member describing the impermissible contact.

Describe the facts associated with this request/case. Tom Izzo, head men's basketball coach, had impermissible off-campus contact with two prospective student-athletes on the same day as a competition. Specially, on January 9, 2019 Coach Izzo attended a basketball game between [REDACTED]. The competition occurred in [REDACTED]. Coach Izzo made contact with prospective student-athletes [REDACTED] and [REDACTED] at the basketball game. Neither [REDACTED] nor [REDACTED] have committed to Michigan State University.

What are any relevant mitigating circumstances that should be considered when reviewing the request? 1) Coach Izzo mistakenly assumed contact was permissible with prospects once the competition was over and they had been released by the appropriate authority. 2) [REDACTED] 3) [REDACTED] has not committed to MSU.

Institutional action 1) The men's basketball staff will be limited to 5 recruiting opportunities with the prospects during the 2018-19 academic year, 2) The institution will reduce men's basketball recruiting-person days by four for the 2018-19 academic year. 3) The Office of Compliance Services will continue to provide rules education to the men's basketball staff.

Conference action The BIG will be notified of the violation.

Fine payment amount

Requests Involving Recruiting-Off-Campus Contacts

Is the PSA a two-year college or four-year college PSA? N/A

Was the PSA contacted prior to the permissible time period to contact the PSA? No

Was written permission to contact the PSA subsequently granted? N/A

Case Documentation

(Maximum individual file size is 10MB.) Upload each document individually.

Recommended Documentation

All Requests

Provide any documentation not previously specified that substantiates any assertions made in this request

Provide a written statement(s) from any other individuals involved in the circumstances of this request

Page 4 - Signatures

Signatures

Select Required Signatories

STOP! IF USING E-SIGN OPTION:

The signatory email address (in the NCAA Directory) MUST match the email address in NCAA Business Applications (e.g., Single-Source Sign On).

The signatory MUST have been granted access to Requests/Self-Reports Online by the on-campus Single-Source Sign On administrator in the NCAA Business Application Administrative tool.

If the signatories do not meet these qualifications, select UPLOAD (or fax, if necessary). Do NOT select e-sign unless the above criteria is met.

Institutional Authority Inside of Athletics Department

Signatory: Approved by Jennifer L. Smith on 04/24/2019

Institutional Authority Outside of Athletics Department (optional for Secondary cases)

Signatory: Approved by Michael Kaplowitz on 04/24/2019

Conference (if applicable)

Signatory: ()

Download Unsigned Signature Documents

- [Institutional Authority Outside of Athletics Department](#)
- [Institutional Authority Inside of Athletics Department](#)
- [Conference Personnel](#)

Page 5 - Case Contacts and Submission

Case Contacts and Submission

Contacts

Select Contacts for this Case

Primary Contact: Holly Baumgartner [REDACTED] Phone: 517-432-5622
Secondary Contact: Jennifer L. Smith [REDACTED] Phone: 517-432-5605

Additional Case Contacts

Additional contacts with a valid email address from the conference or member institution will receive selected e-mails related to the case.

Email Delivery: First Name Last Name Title Email Address

Terms and Conditions

Disclaimer Terms and Conditions

By submitting information related to this request, I affirm that I have read and understand the application of NCAA Bylaw 10.1 and the information provided is accurate and complete to the best of my knowledge.

 Please note that the processing of this violation by the

Agreement by Holly Baumgartner on 04/24/2019

Activity After Case Submission

Responses to Requests for Additional Information